

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

NOTICE OF PROPOSED LOCAL RULES CHANGE
B-1007-1

The United States Bankruptcy Court for the Southern District of Indiana is seeking public comment concerning a proposed change to the Court's Local Rules. The change involves the following rule:

B-1007-1: Lists, Schedules and Statements: Time Limits -
*in particular subparagraph (f) concerning
reinstatements: eliminating the concept of a
"motion to reinstate" and clarifying that the
proper motion is pursuant to Fed.R.Bankr.P.
9024.*

The text of the rule is attached. Unless otherwise indicated redline text is added and ~~struck~~ text is deleted.

Comments concerning the rule amendment are welcome. Comments must be submitted in writing on or before 30 days from the notice date, and should be sent to:

Local Rule Comments
Office of the Bankruptcy Clerk
P.O. Box 44978
Indianapolis, IN 46244

E-mail: Local_Rules_Comments@insb.uscourts.gov

Date: May 12, 2008

Kevin P. Dempsey
Bankruptcy Clerk

S.D.IND. B-1007-1

B-1007-1. LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS

(a) Additional Requirements

In addition to complying with the Federal Rules of Bankruptcy Procedure and Official Forms, all schedules and statements shall:

(1) contain a response to each request for information on the statement of affairs and the schedules, even if such response is “no,” “none,” or “not applicable;”

(2) specifically describe and itemize all property claimed as exempt, and state the statutory reference and section number of the statute under which such exemption is claimed; and

(3) list the creditors on each schedule in alphabetical order, including the full mailing address and zip code for each listed creditor, or statement that the address is unknown.

(b) Statement of Social Security Number

Pursuant to Fed.R.Bankr. P. 1007 (f) a debtor who is an individual shall submit a verified statement that sets out the debtor’s social security number. In a voluntary case the debtor(s) shall submit the statement with the petition. In an involuntary case the debtor(s) shall submit the statement within fifteen (15) days after the entry of the order for relief.

(c) Diskette in Addition to the List of Creditors

In all cases filed conventionally a diskette listing the creditors in the case must be submitted. In Chapter 11 cases, the diskette must include equity security holders, if applicable. An exception to the requirement will be considered by the Court if a request for waiver is filed with the petition.

(d) Extensions of Time

Unless the debtor is a “small business” filing under Chapter 11, as defined by 11 U.S.C. § 101(51D), the UST and any panel trustee appointed in a case are deemed to have no objection to any original request for extension of time within which to file schedules or related documents if that request seeks an extension to no more than forty-five (45) days after

the date the petition is filed. The Clerk need not send notice of any such request to the UST or any panel trustee. If the debtor is a small business filing under Chapter 11, then the UST is deemed to have no objection to any original request for an extension of time within which to file schedules or related documents if that request seeks an extension to no more than thirty (30) days after the date the petition is filed.

(e) Dismissal

In any case where lists, schedules, and statements are not filed with the voluntary petition, within fifteen (15) days thereafter, or within such other period set by order, the Court shall enter an order of dismissal unless a motion for extension of time has been filed prior to the expiration of the period. The Court shall also enter an order of dismissal if the statement of social security number is not filed with the voluntary petition or within three (3) days thereafter.

(f) ~~Reinstatement~~ Obtaining Relief from Dismissal

If a dismissed case has been closed, any party seeking relief from the dismissal must first file a motion to reopen, and then file a motion for relief from the dismissal order pursuant to Fed.R.Bankr.P. 9024. If the dismissed case has not been closed, then only the motion for relief from dismissal order is required. If the case was dismissed because of the failure to file required documents or to pay the filing fee or an installment, the movant must ~~Parties filing a motion to reinstate or a motion to reopen a dismissed case for noncompliance shall submit the documents required or the amounts due contemporaneously with the motion to reinstate or the motion to reopen, or if a motion to reopen is not required, with the motion~~ for relief from the dismissal order. The motion will not be considered unless the deficiency is cured or a showing of good cause is made as to why additional time is needed.